

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16049 of Eric B. Johnson pursuant to 11 DCMR 3107.2, for a variance to locate an open parking space in the front yard [Paragraph 2116.2(b)] of a structure in an R-B-5 District at premises 1504 Park Road, N.W. (Square 2675, Lot 301).

HEARING DATES: June 14, 1995

DECISION DATE: June 14, 1995 (Bench Decision)

ORDER

PROCEDURAL HISTORY: In 1989, the applicant brought an application requesting the identical relief as is being requested in the current application. The Office of Planning and the Department of Public Works (DPW) both recommended denial of the application in 1989. The BZA denied the request for relief in 1989.

SUMMARY OF EVIDENCE:

1. The property that is the subject of this application is located on the south side of Park Road N.W., between Hiatt Place and Pine Street, and consists of one lot of record (Lot 301) containing 1, 955 square feet of land area. It is improved with a three story row dwelling with a basement that was constructed in 1900. The lot is 17 feet wide by 115 feet deep and has a 15-foot wide building restriction line that traverses the front of the property. A small rear yard occupies the northernmost portion of the site along Park Road N.W. The property does not abut a public alley and has no on-site parking. A narrow public easement is located at the rear of the site.

2. The area surrounding the site is predominantly characterized by having low to high density residential development, especially to the north. Sixteenth Street, N.W. is situated one block to the west of the site, while 14th Street N.W. is located two blocks to the east. The D.C. Department of Recreation executive offices are located to the southeast. The Shrine of the Sacred Heart Church is located in the same square, immediately west of the site at 16th Street and Park Road N.W.

3. The site is located in an R-5-B zone district. This zone permits matter of right residential land uses including single-family dwellings, flats, and apartment buildings to a maximum lot occupancy of 60 percent, a maximum floor area ratio (FAR) of 1.8, and a maximum height of 60 feet. Open parking spaces are not permitted in the front yards of properties located in an R-5-B zone district.

4. The applicant is proposing to construct a one-car concrete parking pad in the front yard of a single-family row dwelling. A driveway and curb cut would also be installed. The pad would be 200 square feet in area (10 feet by 20 feet) with access from Park Road N.W. A driveway and curb cut would also be necessary. The parking space would be used to provide on-site parking for the applicant's vehicle.

5. The applicant contended that his situation had changed since the BZA's denial of variance relief in 1989 in that he was now more fully informed and prepared to give evidence as to why relief should be granted.

6. The applicant contended that a unique situation exists in that the subject property has no on-site parking and does not abut a public alley. He claimed his is only one of two houses in a row of six that share in this hardship. He further contended that the nature of the neighborhood has changed, and as a result, more people were parking on the street making it increasingly difficult for him to find parking during the day and evening hours. The applicant also claimed that there will be no adverse effect on the neighborhood or to the zoning regulations, as his neighbors have indicated their support of the application.

7. The Office of Planning recommended that the Board deny the application, they did not believe that a practical difficulty was established, in that no uniqueness was proven, especially since the property immediately adjacent to the subject site to the east is subject to the same situation as is that of the applicant. They further contended that the application, if granted, would cause substantial adverse impacts on the area, as the new curb cut would eliminate at least one and possibly two on-street parking spaces, thus exacerbating already existing parking problems. In addition, the construction would negatively impact the aesthetic quality of the neighborhood, and it would severely impair the intent, purpose and integrity of the R-5-B zone district regulations relative to the location of on-site parking spaces.

8. The Department of Public Works recommended denial of the application as they found that two parking spaces would be eliminated, the construction would not conform with the existing streetscape, and it would pose a possible danger to pedestrian activity.

9. The ANC 1A voted unanimously to approve the application, because they found that a unique situation exists due to the physical characteristics of the lot, as the lot was found to not have sufficient room for parking in the rear. The ANC does not envision a detriment to the public good, nor do they believe that the application, if granted will be inconsistent with the general intent and purpose of the Zoning Regulations.

FINDINGS OF FACT:

1. There has been no change in the applicant's situation since the previous application for zoning relief in 1989.

2. No unique situation exists, as this is a condition which exists in the applicant's own neighborhood, and throughout the city of Washington.

3. Two on-street parking spaces will be eliminated as a result of the construction, not one as believed by the ANC in its approval.

4. Allowing an open parking space in the front yard of these types of row homes would change the character of the city of Washington.

CONCLUSIONS OF LAW AND DECISION

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking an area variance pursuant to 11 DCMR 3107.2 to allow the installation of an open concrete parking pad in the front yard [Paragraph 2116.2(b)] of a single-family row dwelling in an R-5-B zone district at premises 1504 Park Road, N.W. (Square 2675, Lot 301).

The granting of such a variance requires a showing through substantial evidence that an exceptional situation exists, that the strict application of the regulation would result in a practical difficulty upon the owner of the property, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board concludes that granting the instant application would adversely affect the public good, and would substantially impair the intent, purpose and integrity of the Zoning Regulations and Map.

The Board concludes that the applicant has not met the burden of proof for an area variance.

The Board concludes that it has accorded the report of ANC 1A the "great weight" consideration to which it is entitled.

Based on the foregoing, the Board ORDERS that this application is DENIED.

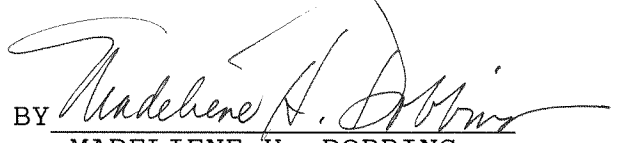
VOTE: 5-0

(Angel F. Clarens, Laura M. Richards, Susan Morgan Hinton, Jerrily Kress, and Craig Ellis to deny the motion).

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY


MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER

NOV 29 1996

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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